

is allowable subject to an interference. Applicant does not disclaim or waive any right to the invention as defined in Claim 37 prior to this amendment. Applicant plans to obtain patent protection for such invention in this application or another application related to this Application.

In view of the above amendment, all pending claims are believed to be allowable, subject to an interference. It is requested that an interference be declared forthwith.

Information Disclosure Statement

Applicant also submits a Sixth Information Disclosure Statement and form PTO-1449 which includes English translations of previously submitted references in compliance with 37 C.F.R. §§1.97 and 1.98 on June 11, 2001. The Information Disclosure Statement also includes newly cited references received an Office Action mailed October 22, 2001 in Divisional Application Serial No. 09/835,282, which is a division of this parent application. Applicant respectfully requests confirmation of consideration of references submitted with the Information Disclosure Statement and PTO Form 1449.

CONCLUSION

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendments. The attached pages are captioned "**Version with Markings to Show Changes Made.**"

Although Applicant believes that there are no additional fees due, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

ATTORNEY DOCKET NO.
091078.0554

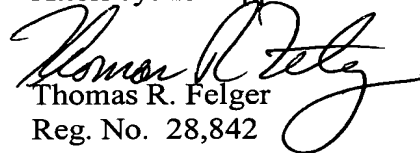
PATENT
09/074,496

10

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2599.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant


Thomas R. Felger
Reg. No. 28,842

2001 Ross Avenue
Dallas, Texas 75201-2980
512.322-2599

Date: 7 DEC 2001



VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 37 is amended as follows:

37. **(Three Times Amended)** A breakaway guardrail post for highway crash control systems comprising:

an upper post member having a weak impact axis and a strong impact axis;

a lower post member disposed beneath and spaced apart from said upper post member;

a connecting joint member having a first end and a second end, said first end of said joint member connected at said first end by a first fastener to said upper post member and connected at said second end by an attachment to said lower post member, said first fastener having a first failure strength less than a second failure strength of said attachment[.];

said first fastener having a first connector having a first failure strength and a second connector having a second failure strength; and

said first failure strength greater than said second failure strength such that upon an impact force being applied along said weak impact axis, said second connector fails and said upper post member rotates about said first connector.

Claim 38 has been cancelled without prejudice or disclaimer.

#